

AN ACT relating to college textbooks and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 and 2 of this Act:

- (1) "Bundle" means one (1) or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one (1) price;*
- (2) "College textbook" means a textbook or a set of textbooks, used for, or in conjunction with, a postsecondary education course;*
- (3) "Course schedule" means a listing of the courses or classes offered by a postsecondary education institution for an academic period, as defined by the institution;*
- (4) "Integrated textbook" means a college textbook that is:*
 - (a) Combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or*
 - (b) Combined with other materials that are so interrelated with the textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose;*
- (5) "Publisher" means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce;*
- (6) "Substantial content" means parts of a college textbook including new chapters, new material covering additional eras of time, new themes, or new subject matter;*
- (7) "Supplemental material" means educational material developed to accompany a college textbook that:*
 - (a) May include printed materials, computer disks, Web site access, and*

electronically distributed materials; and

(b) Is not being used as a component of an integrated textbook.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds that the cost of college textbooks and supplemental course materials have continued to increase, adding to the financial burdens of postsecondary education students. In addition, some publishers' packaging practices and lack of timeliness in textbook adoptions by postsecondary education faculty impact the textbook market contributing even more to the increasing costs to students. It is the intent of the General Assembly to encourage faculty, students, bookstores, book distributors, publishers, postsecondary education institutions to work together to contain costs of essential college textbooks and supplemental materials for students in ways that still maintain the academic freedom of faculty to identify high quality course materials for students.

(1) No later than the 2009-2010 fall academic term, each Kentucky public postsecondary education institution shall implement a policy establishing a deadline for faculty adoption and public posting of the International Standard Book Number and retail price for all courses within the undergraduate course schedule. The Council on Postsecondary Education shall review each institution's policy and the implementation of each policy. Each policy shall provide for penalties to the faculty who do not comply with the deadlines or fiscal relief for the students who are victims of late notifications.

(2) No later than the 2009-2010 fall academic term, a publisher that sells a college textbook and any supplemental material in a single bundle in a college bookstore in Kentucky shall also make available the college textbook and the supplemental materials as separate and unbundled items with each priced separately. No faculty member shall adopt a single bundle college textbook and supplemental

material unless the provisions of this subsection are met. An exception to the provisions of this subsection is an integrated textbook.

(3) No later than the 2009-2010 fall academic term, publishers shall publish substantial content revisions between new editions of college textbooks from the earlier editions of the same textbooks in order for faculty to make informed adoptions and for students to determine whether it is necessary to purchase a new edition if it is adopted.

➔Section 3. Whereas, it is important that postsecondary education institutions, publishers, the Council on Postsecondary Education, and faculty have time to implement the provisions of this section, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.